1 2 3 4 5 6	Katelyn S. Oldham, WSB No. 35266 TEDESCO LAW GROUP 12780 SE Stark Street Portland, OR 97233 Tel: (866) 697-6015 x 704 Fax: (503) 210-9847 Email: katelyn@miketlaw.com Attorney for Plaintiffs		
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8		Hon. Ronald B. Leighton	
9		DISTRICT COURT	
10	WESTERN DISTRICT OF WASHINGTON AT TACOMA		
11			
12	DREW TRACY, DUANE SCHUMAN, RICK STEELE, CHRIS LINES, DANIEL	Case No. 3:17-cv-05414-RBL	
13	KEVIN GRIFFÉE, RICHARD HUFFMAN, LEE HAZELTON and SCOTT WILLIS,	FIRST AMENDED COMPLAINT	
14	individually,	(Fair Labor Standards Act violations)	
15	Plaintiffs,	DEMAND FOR JURY TRIAL (FRCP 38)	
16	V.	BEIMER B TORROTTE THEFE (THEF 50)	
17	THE CITY OF VANCOUVER, a municipality		
18	Defendant.		
19			
20	NATURE OF	THE ACTION	
21	1. Plaintiffs bring this for overtime compensation and other relief under the Fair Labor		
22	Standards Act, as amended, 29 U.S.C. § 201-21	9 ("FLSA").	
23	JURISDICTION AND VENUE		
24	2. This court has jurisdiction over Plaintiffs' claims pursuant to 28 U.S.C. § 1331 and 29		
25	U.S.C. § 216(b) for violations of the FLSA.		
26	///		

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1	3. Venue is proper under 28 U.S.C. § 1391 because the claims arose in the Western District
2	of Washington and defendant City of Vancouver is located within the Western District of
3	·
4	Washington.
5	PARTIES
6	4. Plaintiffs Drew Tracy, Duane Schuman, Rick Steele, Chris Lines, Daniel Kevin Griffee,
7	Richard Huffman, Lee Hazelton and Scott Willis are employees and/or former employees of the
8	City of Vancouver (the "City") and work or have worked as battalion chiefs in the City's Fire
9	Department. Plaintiffs bring this action for overtime compensation and other relief under the
10	FLSA, 29 U.S.C. § 216(b).
	5. Defendant City of Vancouver is a municipality located in the Western District of
11	Washington and is an employer subject to FLSA requirements.
12	GENERAL ALLEGATIONS
13	6. Plaintiffs have been employed as battalion chiefs in the City's Fire Department during
14	some or all of the three years preceding the date of this complaint.
15	7. Plaintiffs routinely worked more than forty (40) hours per week during the three years
16	prior to the filing of this complaint.
17	8. At all times during the three years preceding the date of this complaint, Plaintiffs were
18	paid for shift overtime at the rate of time-and-one-quarter (1.25).
19	9. At all times during the three years preceding the date of this complaint, Plaintiffs
20	received compensatory time for shift overtime at the rate of time-and-one-quarter (1.25).
21	10. For at least the preceding three years, Plaintiffs do not and have not had the authority to
22	hire or fire employees for the City. Plaintiffs also cannot promote employees, or discipline them.
23	11. For at least the preceding three years, Plaintiffs' suggestions and recommendations as to
24	the hiring, firing, discipline, promotion, or any other material change of status of other
25	and mining, mining, discipline, promotion, or any outer material enauge of status of other
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1 employees has not been given particular weight by the Fire Chief or any other decision-maker. 2 Instead, Plaintiffs' suggestions and recommendations are routinely ignored. 3 12. For at least the preceding three years, the Fire Chief and Deputy Fire Chief have made 4 and continue to make all decisions regarding hiring, firing, advancement, promotion or any other 5 change of status of employees without giving particular weight to the suggestions or 6 recommendations of the Plaintiffs. 7 13. For at least the preceding three years, Plaintiffs have been engaged in the emergency 8 responder duties of firefighters, including to prevent, control and extinguish fires ("fire 9 suppression activities"), to control and respond to hazardous scenes and natural disasters; to 10 rescue victims of fire, accident, crime and natural disasters; and to conduct investigations and 11 inspections, and other similar work as their primary job duty or function. 12 14. For at least the preceding three years, Plaintiffs' primary duty has not been the 13 management of the City's Fire Department or any other a customarily recognized department or 14 subdivision of the City of Vancouver, other than within their duties as emergency responder 15 firefighters. 16 15. For at least the preceding three years, Plaintiffs' primary duty has not been the 17 performance of office or non-manual work directly related to management or general business 18 operations of the City of Vancouver or the City's Fire Department. 19 16. The above-described Plaintiffs routinely performed shift work in excess of forty (40) 20 hours per week for which they were not paid time-and-one-half (1.5) overtime pay, or did not 21 receive compensatory time at the rate of time-and-one-half (1.5). 22 /// 23 /// 24 /// 25 /// 26

FIRST CLAIM FOR RELIEF
(Unpaid overtime wages – 29 U.S.C. §§ 207 et seq.)
17. Plaintiffs incorporate by reference the allegations of paragraphs 1 through 16.
18. Defendant violated the overtime provisions of the FLSA, 29 U.S.C. §§ 207 et seq., by
permitting work in excess of forty (40) hours per week for which Plaintiffs were not
compensated at the overtime rate of time-and-one-half (1.5) or with compensatory time at the
overtime rate of time-and-one-half (1.5).
19. Plaintiffs have repeatedly raised this issue of inadequate and unlawful compensation to
Defendant.
20. Defendant has persisted in compensating Plaintiffs at a rate of time-and-one-quarter
(1.25), instead of at the overtime rate of time-and-one-half (1.5).
21. Defendant's violations are willful, thereby entitling Plaintiffs to the three-year FLSA
statute of limitations.
22. As a direct result of Defendant's willful failure to pay all overtime wages due them,
Plaintiffs are collectively owed at least \$200,000 in unpaid wages, plus prejudgment interest,
with the exact amount owed to each to be proven at trial.
23. As a direct result of Defendant's willful failure to issue all compensatory time due to
them, Plaintiffs are owed approximately forty (40) hours of compensatory time each, with the
exact number of compensatory hours owed to each to be proven at trial.
24. Plaintiffs are entitled under 29 U.S.C. § 216(b) to recover an amount equal to the amount
of proven unpaid overtime wages as liquidated damages.
25. Plaintiffs are entitled to recover attorney's fees, expenses and litigation costs pursuant to
29 U.S.C. § 216(b).

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2		WHEREFORE, Plaintiffs pray for relief as follows:
3	1.	An order requiring Defendant to pay Plaintiffs at a rate of time and one-half (1.5) for all
		overtime hours worked and to provide compensatory time at a rate of time and one-half
4		(1.5);
5	2.	Economic damages for Plaintiffs' unpaid overtime wages, including prejudgment
6		interest;
7	3.	Liquidated damages for Defendant's willful violation of the FLSA;
8	4.	Compensatory time awarded to each Plaintiff at a rate of time and one half (1.5);
9	5.	Attorney's fees, costs, and expenditures; and
10	6.	Such other and further relief as the Court deems just and equitable to Plaintiffs.
11		DATED this 16st day of April, 2018.
12		TEDESCO LAW GROUP
13		s/Katelyn S. Oldham
14		Katelyn S. Oldham, WSB No. 35266
15		Phone: (866) 697-6015 ext. 704 Fax: (503) 210-9847
16		Attorney for Plaintiffs
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1	CERTIFICATE OF SERVICE			
2		I hereby certify that I served the foregoing FIRST AMENDED COMPLAINT on:		
3		Dan Lloyd and		
4				
City of Vancouver 5 PO Box 1995		9 Box 1995		
6	Va	ncouver, WA 98668-1995		
7 8	[]	by mailing to said attorney(s) a full and correct copy thereof, contained in a sealed envelope, with postage paid, addressed to said attorney(s) as stated above and deposited in the United States Post Office at Portland, Oregon on the date set forth below.		
9 10	[X]	by electronic means through the Court's Case Management/Electronic Case File system on the date set forth below.		
11	[]	by e-mailing to said attorney(s) a full and correct copy thereof, addressed to said attorney(s) as stated above on the date set forth below.		
12 13	[]	by hand delivering to said attorney(s) a true copy thereof on the date set forth below.		
14	[]	by faxing to said attorney (s) a true copy thereof on the date set forth below.		
15	[]	by concurrently electronically mailing this documents in Word format to each attorney's last-known e-mail address on the date set forth below.		
16 17		DATED this 16 th day of April, 2018.		
18		TEDESCO LAW GROUP		
19		s/Katelyn S. Oldham		
20		Katelyn S. Oldham, WSB No. 35266		
21		Attorney for Plaintiffs		
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Page 1 – Certificate of Service

TEDESCO LAW GROUP 12780 SE Stark Street Portland, Oregon 97232 Tel: 866-697-6015